

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 26 JUL 2005

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To:

see form PCT/ISA/220 *4/8*

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2005/003051

International filing date (day/month/year)
27.01.2005

Priority date (day/month/year)
29.01.2004

International Patent Classification (IPC) or both national classification and IPC
C09D133/08, C09D5/00

Applicant
THE LUBRIZOL CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
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Authorized Officer

Andriollo, G

Telephone No. +49 89 2399-8301



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/003051

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/003051

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-37
Inventive step (IS)	Yes: Claims	
	No: Claims	1-37
Industrial applicability (IA)	Yes: Claims	1-37
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1 Reference is made to the following documents:

D1 : WO 93/25624 A (CAL-WEST EQUIPMENT COMPANY, INC) 23 December 1993 (1993-12-23)

D2 : WO 98/55535 A (PRODUCT SOL, LLC; ZAJAC, BOHDAN) 10 December 1998 (1998-12-10)

D3 : WO 03/002674 A (PENNZOIL-QUAKER STATE COMPANY) 9 January 2003 (2003-01-09) & US-A-2003/0114562, cited in the description

D4 : WO 02/34845 A (PENNZOIL-QUAKER STATE COMPANY) 2 May 2002 (2002-05-02) & US-A-6489393, cited in the description

D5 : US 4071639 A, PALMER, 31 January 1978 (1978-01-31).

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1-37 is not new in the sense of Article 33(2) PCT.

2.1 Document D1 discloses compositions for coatings. These compositions comprise a film forming acrylic polymer, an alcohol as solvent and a colouring agent (see paragraph bridging p. 5 and p. 6). These coatings can be removed by alkaline aqueous solutions (see p. 11, first paragraph).

These coatings can be used for protection of a large spectrum of vehicle parts, especially for tires (see p. 11 and 12).

The parameters disclosed in present claim 18 are not expressis verbis mentioned in D1. However, the values of these parameters is also fulfilled in D1, since the compositions are based on identical components.

Consequently, the subject-matter of present claims 1-32 lacks novelty over D1.

2.2 D2 relates to acrylic compositions for coatings. Said coatings are easily removed by washing (see claim 1 and p. 15, paragraphs 1 and 2).

Consequently, the subject-matter of present claim 1 lacks novelty over D2.

2.3 D3 is directed to tinting compositions. Acrylic polymers are mentioned as the film-forming binder (see p. 7-10).

Consequently, the subject-matter of present claim 1 lacks novelty over D3.

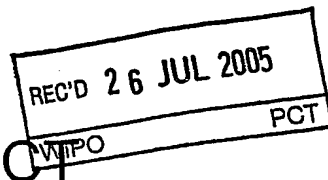
**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/003051

- 2.4 D4 discloses tinting compositions comprising a solvent and a pigment (see claims). Consequently, the subject-matter of present claim 1 lacks novelty over D4.
- 2.5 D5 relates to protective coatings based on acrylic polymers having acid groups. The coatings are removable by washing with alkaline solutions. Furthermore, the compositions comprise glycerin and polydimethylsiloxane. Consequently, the subject-matter of present claims 33-37 lacks novelty over D5.

PATENT COOPERATION TREATY



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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

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FOR FURTHER ACTION See paragraph 2 below			
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International Patent Classification (IPC) or both national classification and IPC C09D133/08, C09D5/00			
Applicant THE LUBRIZOL CORPORATION			

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For further options, see Form PCT/ISA/220.

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<p>Name and mailing address of the ISA:</p>  <p>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</p>	<p>Authorized Officer</p> <p>Andriollo, G</p> <p>Telephone No. +49 89 2399-8301</p> 
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/003051

Box No. 1 Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

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2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

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c. time of filing/furnishing:

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3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/003051

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-37
Inventive step (IS)	Yes: Claims	
	No: Claims	1-37
Industrial applicability (IA)	Yes: Claims	1-37
	No: Claims	

2. Citations and explanations

see separate sheet

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 - 2.2 D2 relates to acrylic compositions for coatings. Said coatings are easily removed by washing (see claim 1 and p. 15, paragraphs 1 and 2).
Consequently, the subject-matter of present claim 1 lacks novelty over D2.
 - 2.3 D3 is directed to tinting compositions. Acrylic polymers are mentioned as the film-forming binder (see p. 7-10).
Consequently, the subject-matter of present claim 1 lacks novelty over D3.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/003051

2.4 D4 discloses tinting compositions comprising a solvent and a pigment (see claims). Consequently, the subject-matter of present claim 1 lacks novelty over D4.

2.5 D5 relates to protective coatings based on acrylic polymers having acid groups. The coatings are removable by washing with alkaline solutions. Furthermore, the compositions comprise glycerin and polydimethylsiloxane. Consequently, the subject-matter of present claims 33-37 lacks novelty over D5.